

LYNDON CITY COUNCIL  
REGULAR MEETING MINUTES OF  
March 20, 2017

The Lyndon City Council met in regular session on Monday, March 20, 2017, 7:00 p.m., at City Hall.

1. CALL TO ORDER: Mayor Morrison called the meeting to order.

- a) ROLL CALL: City Clerk called roll of the City Council. Mayor Morrison and members Bill Patterson, Doug Watson, Darin Schmitt, and Darrel Finch present. Ryan Kuhn was absent with notification.

City Staff present: Julie Stutzman, City Clerk; David Wilson, Maintenance Supervisor; and Darrel Manning Chief of Police/Zoning Administrator.

Others Present: Rick Enszt, Cooper, Malone and McClain; Brian Foster, BG Consultants, and Tammy Schlingmann, Osage County Herald; George Stutzman (8:45), Ranae Stutzman (8:45), and Rachel Stutzman (8:45).

2. ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

- a) Schmitt made the motion to approve the regular meeting minutes of March 6, 2017 as written. Watson seconded, motion carried.

3. CONSENT AGENDA:

- a) Approval of Bills: Watson made the motion to approve the bills as set forth. Patterson seconded, motion carried.

4. PUBLIC COMMENTS: None.

5. CORRESPONDENCE TO COUNCIL:

- March 2017 edition of the Kansas Government Journal.

6. UNFINISHED BUSINESS:

- a) RICK ENSZ WITH COOPER, MALONE, and MCCLAIN - TEMP FINANCING AGREEMENT: Mr. Enszt provided Council with a copy of the underwriting agreement as requested at the previous council meeting to help facilitate temporary financing for the wastewater project land acquisition. The City Clerk stated that the City Attorney had reviewed the document and did not have any concerns. It was the recommendation of the City Attorney to obtain a two-year note and reduce the amount of the note to \$530,000 which is more than likely adequate.

Mr. Enszt stated that he has prepared the analysis for a callable two-year temp note and can discuss that with Council upon their acceptance of the agreement. Finch made the motion to accept the contract as presented. Watson seconded, motion carried.

Mr. Enszt provided Council with a copy of the proposed temporary financing that include the fees for the cost of issuance (bond council, legal counsel fees, state fees, etc.) for a total of \$570,000. He stated the tentative issuance date would be August 1, 2017 and the temporary note would come due on August 1, 2019. Mr. Enszt discussed the debt service schedule and stated they are being conservative in estimating the interest at approximately 2% which may be down to 1.5 - 1.7% at the time of issuance in August. He stated the interest at 2% for two years would be \$22,800 for a total of \$592,800 if the principle were outstanding for the full two years. The note would be a two-year note callable at one year and if called at the one year, the interest would be \$11,400 for a total of \$581,400.

Mr. Enszt asked about construction bid award dates and Mr. Foster stated the bids will be done the first part of January 2018 and ready for Council approval at the first February 2018 meeting.

Mr. Enszt stated that per the KDHE contract there are items that need to be done to call the existing KDHE loan at the closing of the interim financing of the project and offered to provide those services to the City when the time comes that are separate from the issuance of the temporary financing.

- b) WASTEWATER PROJECT - BRIAN FOSTER, BG CONSULTANTS: Mr. Foster presented to Council for an update on the project. He stated the initial geology concluded that the permeability at the lagoon site is zero and that it is a tighter soil than anticipated. Mr. Foster stated the water balanced used for the non-discharging lagoon takes into account evaporation and seepage into the ground and due to zero permeability is not viable.

He stated they evaluated wastewater flows and water usage data. This shows about 70,000 gallons were sold through the water meters and in the winter it is closer to 60,000. Flow monitors have been monitoring wastewater flow in the last leg of the pipe system to the plant and in February monitoring showed 100,000 gallons per day. He stated either the flow data is off or there is infiltration from ground water.

Mr. Foster discussed options and changes in design from non-discharging to a discharging lagoon due to the permeability results. He stated the design would go from a non-discharging to a discharging lagoon which would enlarge the lagoon size and possibly change the days of detention time to 150-180 days and stated that KDHE is on board with the decision and BG will get their approval before presenting it to Council. After a lengthy discussion, Mr. Foster will update the design and attend another Council meeting to discuss changes. He also stated they continue to work on the legal description for the land where the proposed pump station will be placed.

- c) AMENDMENT #1 TO CITY ENGINEER CONTRACT - BG CONSULTANTS: Mr. Foster stated in 2016 under the City Engineering contract, which is an hourly contract, BG performed services in regards to the sewer project billed to that specific contract. He stated to be reimbursed by KDHE for that cost; it is against

their regulations to have open-ended contracts that do not have an exceedance amount. BG Consultants prepared an amendment to the contract that states the portions of the wastewater plant will not exceed \$10,000 of which BG has already billed approximately \$9,000. The contract is completed and will not exceed what has already been billed which will allow the bill to be reimbursed with KDHE money. It was consensus of the Council to table the matter until the City Attorney had time to review the document.

- d) KWIKOM TOWER LEASE AGREEMENT: The Council discussed the updated contract provided by Kwikom to lease space on the water tower to provide internet and phone services to City residents. The Mayor stated the City Attorney's recommendation is to list in detail city facilities that will receive phone and internet services which includes moving the phone service for the sewer pump station when the project is complete and add language in regards to Kwikom's access through contacting a city employee to do repairs/maintenance. The Maintenance Supervisor also recommended that the contract include the power source for Kwikom equipment be trenched and installed underground. The proposed changes to the contract will be forwarded to Kwikom.
- e) POOL HIRING: The City Clerk stated that they conducted pool interviews and hiring recommendations for the 2017 pool season are complete. Schmitt made the motion to recess to executive session for 10 minutes for non-elected personnel. Patterson seconded, motion carried. Council reconvened with Watson making the motion to approve pool hiring as recommended. Schmitt seconded, motion carried.

7. NEW BUSINESS:

- a) SAFE ROUTES TO SCHOOL SUPPLEMENTAL: Council received a copy of the Safe Routes to School Supplemental in regards to extra costs for services provided by BG Consultants on the project. After a brief discussion, it was consensus of the Council to table the matter until the City Attorney has time to review the document.
- b) CURB ON 8TH STREET: The Council received a copy of the approved building permit for 804 Topeka and the possibility of removing 30 feet of curb on the north side of 8th Street to provide space for a drive thru for the new business. After a lengthy discussion with the Maintenance Supervisor, it was consensus of the Council to have the Maintenance Supervisor provide the property owner with contact information for contractors that the City prefers he obtain for the curb/gutter work.
- c) ACCOUNT MODIFICATION REQUEST: The City Clerk stated the City received one of the first disbursements from the Collections Bureau of Kansas and the small amount of \$13.29 remains. She stated the amount that remained unpaid after collections would cost more to try to collect through staff time and asked the Council to waive the remaining amount and close the account. Schmitt made the motion to waive the remaining balance on the account of \$13.29 and close the account. Patterson seconded, motion carried.

- d) OFFICE EQUIPMENT: The City Clerk stated of the four laptops purchased in 2007, only one left is in working condition due to age and would like to replace one. After a brief discussion, Finch made the motion to authorize the City Clerk to purchase a new tablet or laptop with the cost not to exceed \$1,000. Schmitt seconded, motion carried.
- e) 2017 POOL HOURS AND RATES: The City Clerk provided the Council with a copy of the 2017 pool season hours, programs and rates. She stated the pool opens May 27, 2017 and closes on August 6, 2017. Watson made the motion to approve rates as presented. Schmitt seconded, motion carried.

8. STAFF REPORTS:

- a) POLICE: Council received a copy of the Officer Activity report.
- b) PLANNING AND ZONING: No report, no meeting was held.
- c) PUBLIC WORKS: Council received a copy of the Maintenance Activity report.

The Mayor asked how the repairs went on the ball field lighting and electrical issue. The Maintenance Supervisor stated Current Electric did the work on the switch plate, however, voiced concerns about electrical overload on one of the fields, which could be due to old ballasts, older light bulbs, etc.

- d) CITY CLERK: The City Clerk stated she is still working with Peggy Clark in regards to getting a contractor on board for the work that needs to be done on the Bailey House. She stated Pishny might not be available this year for the restoration work and so going to contact a secondary company that was one that bid on the first project about doing the work. Ms. Clark is going to be speaking to Katrina Ringler at Heritage Trust about any other companies they can recommend.

The City Clerk stated she researched the MLB Baseball Tomorrow grant for the Jones Park ball field lighting to help with cost of replacement. She stated it is a two-step grant, as you have to complete an eligibility application that has to be approved before you can apply for the actual grant. She stated the max grant is \$40,000 and the higher the match the better the chance you will be funded. MLB has four dates throughout the year they take grant applications and the October 1 deadline would be more viable in hopes the Jones Park Use Agreement would be completed. She stated she also looked in the KC Royalty Fields grant, which does not providing grants for lighting, however, does fund dugouts, sod, etc. She has not had time to speak with Garret about CDBG.

Brad with Musco Lighting did contact her about proceeding with the project and was told that it is on hold for now due to the hiring of a new superintendent and the agreement not being finished. He is supposed to talk to the finance department at Musco and provide funding options for all three entities to discuss. She stated that she would ask him about the Babe Ruth and Little League grants when Brad calls her back.

9. COUNCIL/MAYOR COMMENTS AND REPORTS: None.
10. EXECUTIVE SESSION: Schmitt made the motion to recess to executive session for five minutes for confidential data relating to financial affairs or trade secrets of second parties. Watson seconded, motion carried. Council reconvened with no binding action taken.
11. ADJOURNMENT: Patterson made the motion to adjourn to Monday, April 3, 2017, at 7:00 p.m. for regular meeting. Schmitt seconded, motion carried.



City Clerk